

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20951

Application 30032 of Francis V. Mahoney and Kathleen A. Mahoney
1134 Dealy Lane, Napa, CA 94559

filed on November 6, 1991, has been approved by the State Water Resources Control Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

1) Unnamed Stream

Carneros Creek thence

2) Carneros Creek

Napa River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section *	Township	Range	Base and Meridian
1) North 850 feet and West 1,800 feet from SE corner of projected Section 19	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	19	5N	4W	MD
2) East 700 feet and South 2,500 feet from NW corner of projected Section 19	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	19	5N	4W	MD

County of Napa

* projected

3. Purpose of use:	4. Place of use:	Section *	Township	Range	Base and Meridian	Acres
Recreational						
Fire Protection	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	19	5N	4W		
Irrigation	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	19	5N	4W	MD	11
	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	19	5N	4W	MD	7
	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	19	5N	4W	MD	3
	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	19	5N	4W	MD	7
	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	19	5N	4W	MD	12
	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	19	5N	4W	MD	0.5
	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	19	5N	4W	MD	7.5
	SE $\frac{1}{4}$ of NW $\frac{1}{4}$	19	5N	4W	MD	2
	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	20	5N	4W	MD	1
					TOTAL	51

* projected

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 25 acre-feet per annum to be collected from November 1 of each year to May 14 of the succeeding year. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

The maximum rate of diversion to offstream storage shall not exceed 2 cubic feet per second. (000005J)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Complete application of the water to the authorized use shall be made by December 31, 2006. (0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State

Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust. (0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. This permit shall not be construed as conferring upon permittee right of access to the point of diversion. (0000022)

13. The total quantity of water diverted under this permit, together with that diverted under the permit issued pursuant to Application 27389, shall not exceed 25 acre-feet per annum. (0000114)

14. Permittee acknowledges the prior right of Clos Pegase Winery as identified in Permit 20739 and Permit 20737 issued pursuant to Applications 29391 and 29603, Sterling Vineyards as identified in License 12211 and License 12210 issued pursuant to Applications 20357 and 15775, and Cuvaision, Inc. as identified in Permit 18627 issued pursuant to Application 26754 on file with the State Water Resources Control Board, and agrees not to interfere with these rights.

15. Permittee shall install and properly maintain in the reservoirs a staff gage for the purpose of determining water levels in the reservoirs.

Permittee shall record the staff gage readings on or about November 1 of each year. Such readings shall be presented to the State Water Resources Control Board with the next progress report submitted to the Board by permittee.

The State Water Resources Control Board may require the release of water which cannot be verified as having been collected to storage prior to October 1 of each year.

Permittee shall allow a designated representative of Close Pegase Winery, Sterling Vineyards, or Cuvaision, reasonable access to each reservoir for the purpose of verifying staff gage readings and determining water levels in the reservoirs.

(0070047)

(0100047)

16. Permittee shall install and maintain an outlet pipe of adequate size in the dams, as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the Board, in order that water entering the reservoirs which is not authorized for appropriation under this permit can be released. Before starting construction, permittee shall submit plans and specifications of the outlet pipe or alternative facility to the Chief of the Division of Water Rights for approval. Before storing water in the reservoirs, permittee shall furnish evidence which substantiates that the outlet pipe or alternative facility has been installed in the dams. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

(0050043)

17. Should Clos Pegase Winery, Sterling Vineyards, or Cuvaision, Inc. be unable to pump from Carneros Creek because of insufficient flows, Permittee shall, upon demand by the above diverters, cease diversion until such time as flows are sufficient for these diverters, or the storage rights of any of these diverters have been fulfilled.

18. Whenever the prior storage rights of Clos Pegase Winery, Sterling Vineyards, or Cuvaision, Inc., are not satisfied by April 30 of any year, water collected to storage under this permit during the current collection season shall be immediately released at the maximum practicable rate to the extent necessary to satisfy said prior downstream storage rights. Permittee shall not be obligated to release water in the reservoir below the previous November 1 staff gage reading unless permittee has withdrawn water from the reservoir for consumptive purposes since November 1.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: **FEBRUARY 3 1998**

STATE WATER RESOURCES CONTROL BOARD

Roger Shuman
for Chief, Division of Water Rights